

Parish:
Chichester

Ward:
Chichester South

CC/15/04201/FUL

Proposal Demolition of existing structures, construction of 4 no. dwellings and associated landscape works.

Site Providence Works, Lyndhurst Road, Chichester, West Sussex, PO19 7PF

Map Ref (E) 486612 (N) 104472

Applicant Mr J Clements

RECOMMENDATION TO REFUSE



NOT TO SCALE

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1.0 Reason for Committee Referral

1.1 Red card: Councillor Pam Dignum; when the member has information or an opinion which he/she wishes to raise in debate.

“The reason for this request is: The applicant wishes to develop 4 modest homes to replace his building business which is felt to be an anomaly today in a residential area .His Open Evening for residents produced preferences for housing over industrial uses which inevitably produce HGV traffic with parking and unloading problems in 6 narrow streets. Industrial noise has annoyed residents. There have been no objections from City Council, CCAAC, Chisoc, Env Agency, and there is a feeling that the letter of the law is being applied (possible flood zone, not marketed 2 years) rather than flexible common sense and local desire.”

2.0 The Site and Surroundings

2.1 The lawful (and historic) use of the 0.15 hectare site falls within use class B2 (General Industrial) and was home to a metal working forge and joinery manufacturing business related to a local building firm. The Design and Access statement explains that activities have dwindled over the last two years and that the level of activity at the site is currently very low.

2.2 The site is located within the settlement policy boundary for Chichester and is surrounded on all sides by residential development which is largely 2 storey and traditional in appearance and construction. The site is also within the City Conservation Area and Flood Zones 2 and 3.

2.3 The existing buildings on site of a modest scale, utilitarian and comprise single storey pre-fabricated buildings with corrugated sheet roofing. The site is largely enclosed by high boundary walls forming the site boundaries with the surrounding residential development and gated at the end of the access. Access into the site is via a long narrow access drive from Lyndhurst Road and public views into the site are limited.

3.0 The Proposal

3.1 The proposed development is for the demolition of the existing buildings on site and the change of use of the site from commercial/industrial to residential with 4 detached dwellings and associated parking utilising the existing access.

3.2 The dwellings are all 4 bedroom detached properties, two-storey in height. Plots 2 and 3 have been amended, removing an additional room with associated dormer in the roof space.

4.0 History

15/04201/FUL

PCO

Demolition of existing structures, construction of 4 no. dwellings and associated landscape works.

5.0 Constraints

Listed Building	NO
Conservation Area	CC
Rural Area	NO
EA Flood Zone	
- Flood Zone 2	YES
- Flood Zone 3	YES
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 **Chichester City Council:** No objection

6.2 **Environment Agency:** No objection

EA response of 21/07/2016

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment by Baker and Associates (Section 6 and Conclusions) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) bbc and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 12.96 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To reduce the risk of flooding to the proposed development and future occupant

Recommendation

As identified within the submitted Flood Risk Assessment consideration may identified within the submitted Flood Risk Assessment consideration may wish to be given to incorporating flood resilience measures within the finished building and also enrolling with our flood warning service

EA response of 27/01/2016

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA carried out by St Clements and sons LTD dated October 2015 section 10 Summary and Conclusions) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are 300mm above 1 in 100 climate change event levels for living accommodation and 600mm for sleeping accommodation.
2. Residents are encouraged to sign up to flood warnings direct.
3. Resilient building methods are included in the construction methods

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
To comply with NPPF

6.3 WSCC Highways Authority: No objection

WSCC Highways response of 26/01/2016

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

Summary

This application proposes the demolition of the buildings associated with the commercial use of the site and the erection of 4 new dwellings. It is recognised that the commercial use of the buildings to be demolished would have had related traffic movements to and from the site via the private access way onto Lyndhurst Road. The LHA are satisfied the proposed will not have a severe impact on the highway. Therefore the proposed development accords with paragraph 32 of the National Planning Policy Framework (NPPF) in that safe and suitable access to the site can be achieved; subject to the following advice and conditions being applied. The following report provides detailed comment.

Access/Visibility

It is proposed to use the existing access off Lyndhurst Road, which already has an established commercial use. Although this access is narrow and would not allow for two vehicles to pass, it's existing/previous commercial use is a material consideration. The LHA are of the opinion that a residential use of the site for 4 dwellings would be less intensive than the previous use. Visibility from the access would appear adequate and the low walls either side of the access allow for good pedestrian visibility for vehicles when exiting the site and also for pedestrians to see an emerging vehicle.

Given the sites constraints the LHA would advise that construction management plan is put in place in the interests of highway safety and the amenities of the area.

Parking & Turning

The LHA are satisfied that the provision of 11 parking spaces on site would meet with requirements; each space should measure 2.4 x 4.8m. It would appear that there is adequate space for vehicles to manoeuvre on site to exit onto Lyndhurst Road in forward gear.

Cycle Parking

Cycle parking should be included; this must be secure, covered and be capable of storing at least one cycle per bedroom for each dwelling. The actual details of the cycle parking facilities should be submitted to and approved by the LPA.

Refuse Collection

Storage and collection of waste have not been demonstrated on the plans. It is noted that the planning statement indicates collection will take place from Lyndhurst Road as a refuse vehicle would not be able to access the site, the Local Planning Authority (LPA) should seek advice from the refuse collection team regarding this.

The LHA would raise concerns to bins being left out in Lydhurst Road in this already narrow access way to the site. The applicant should supply a plan showing a bin storage area, where the refuse could be collected from. The applicant should give consideration to the carry distances stated in Manual for Streets (MfS) under sections 6.8.8, 6.8.9 and 6.8.13 for residents and refuse collection operatives.

Fire Service comments

To follow

Conclusion

Subject to the conditions securing cycle parking, parking and turning and a construction management plan, the LHA would raise no highway safety concerns relating this application.

WSCC Highways response of 21/07/2016

The Local Highway Authority (LHA) have been re-consulted on the above application. There appears to be no changes to the site layout. Although I notice a highways report has been prepared by a Consultant, to support the application. Having reviewed this the LHA would offer the following comments;

The views of the LHA remain unchanged. Given the sites current/previous consented use and the related traffic movements (including the type and size of vehicles involved with its use), the LHA would raise no highway safety concerns to the application for 4 dwellings on the site. The site would be less intensively used and certainly wouldn't lead to a severe impact on the local highway network. The National Planning Policy Framework states that development should only be prevented or refused on highway grounds where the residual cumulative impacts of the development are severe. The LHA do not considered that the above proposals would result in any impacts on the local highway network that could be considered severe.

The conditions in our response dated 26th January 2016 are advised.

6.4 CCAAC: No objection

CCAAC response of 12/07/2016

There is no objection to the principle, as there is little effect upon the Conservation Area. We regret the potential loss of business floor-space (which could be used for small business units) at the site which may be contrary to Policy 26 of the Local Plan. The Committee would have preferred a more innovative approach to the housing proposed and regard this as a missed opportunity.

CCAAC response of 12/07/2016

The Committee have no objection in principle, little change to our views on the plans seen in February, though on reflection there could be vehicular access difficulties in this limited space.

6.5 CDC Environment Management:

Environment Officer response 22/01/2016

Bats – Due to the presence of bats roosting within the building due to be demolished, mitigation will be required for the works and a Natural England protected species licence will also need to be obtained. We require that prior to determination a mitigation strategy is submitted to us for approval detailing how the bats will be protected and the roosting retained post construction works.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Nesting Birds – Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Recreational Disturbance – This proposal will have an in-combination effect on the Solent Maritime SAC in combination with all other residential developments within the 5.6km zone of influence. In line with the Solent Disturbance and Mitigation Project Phase 3 report and

Natural Englands letter of the 31 May 2013 (below) avoidance measures will need to be secured. Natural Englands advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided.

The preferred method would be to collect a contribution towards the implementation of the joint project outlined in the Phase 3 report. The level of contribution to the interim scheme will be £174 per unit. Such a planning obligation should be payable at commencement in order to ensure that avoidance measures are in place before first occupation.

Environment Officer response 11/07/2016

Due to the presence of bats roosting found by the previous application within the building due to be demolished, mitigation will be required for the works and a Natural England protected species licence will also need to be obtained. We require that prior to determination a mitigation strategy is submitted to us for approval detailing how the bats will be protected and the roosting retained post construction works. We will require a bat survey to determine the state of the bat colony found previously, before determination this will be needed.

Clearance of suitable nesting bird habitat (i.e. removal of trees, hedging, dense shrubs and dismantling / demolition of any building) should ideally be undertaken outside the breeding bird season, i.e. should be undertaken in the period September to February inclusive. Should it prove necessary to clear bird nesting habitat during the bird nesting season, then a pre-works check for nesting birds should be undertaken, by a CIEEM ecologist (with 24 hours of any works). If any active nests are found, activities (e.g. tree felling / vegetation clearance / building dismantling / demolition) should cease and an appropriate buffer zone should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

We would like to see the placement of 10 nesting opportunities for birds (species such as swallows, swifts, house-martins, house sparrows and starlings). Along with 3 bat roosting structures being put on/around the new building(s). Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings". Ecological advice should be sort in when deciding where and which of these structures should be placed for maximum effectiveness, because thermal tolerances of each species are very important. Lighting will need to be kept to a minimum, as lighting levels have a effects on nocturnal species such as bats, flying invertebrates and various mammal species.

Other ecological enhancements that could be put in place reptile refugia, new ponds/ditches and ecologically sympathetic planting schemes. The proposed development is also within the SPA zone of influence for Chichester harbour, with any net increase in the number of dwellings resulting in a payment needing to be paid the Chichester harbour disturbance mitigation scheme. We ask that applicants/consultants please share their survey results with Sussex biodiversity records centre.

6.6 CDC Environmental Health: No objection

Given the former industrial land uses at the site, condition N21G should be applied in order that the land quality can be investigated and if necessary remediated prior to development. All waste arisings must be disposed of in accordance with the relevant Waste Regulations and if asbestos is present, the Asbestos Regulations should be followed.

During demolition of the existing units and construction of the properties, measures to minimise dust and other emissions should be taken reduce the impact on nearby residents. The following measures should be considered:

- Lorry loads should be sheeted
- Stockpiles should be kept damp in dry conditions
- All wastes should be disposed of in accordance with Waste Regulations
- There should be no on-site burning of wastes.

In order to encourage the use of sustainable transport modes, cycle parking should be provided at the site.

6.7 CDC Waste Services: No objection

CDC Waste Service response 26/01/2016

I have sent our standard waste requirements regarding the waste collection service and provision of bins separately. Please refer to this for further information.

Provision of Bins: Individual properties would require one waste and one recycling bin. These come in two different sizes 140 litre or 240 litre, the general rule is for up to two persons in a household we would recommend 140 litre bins for up to four persons 240 litre bins.

Site Layout: As the plans and Design & Access statement detail the site itself will not be accessed by our refuse freighter, therefore bins will be presented for collection at the entrance to the drive. To this end I have no further comments regarding the site layout.

Bin Collection Points: Generally the collection point should be outside the front of the property just inside the property boundary, at the closest point to the public highway. However in the instances of shared driveways the bins would be required to be presented at the entrance of the driveway.

I note from the Design & Access Statement, page 2, that due to the restricted access to the site the bins will be presented at the entrance to the drive. As our collection crew should not have to walk excessive distances to retrieve and return bins, I would stress that this instruction is adhered.

CDC Waste Service response 16/02/2016

I have no objections with the substitute plans.

6.8 Natural England: This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Subject to the financial contribution as required through Chichester District Council's interim policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application

6.3 Representations:

Objection – 19 letters were received from local residents objecting to the scheme, citing reasons which include:

- Loss of light
- Overdevelopment of the site/houses too large
- Reduction in security
- Reduction in private amenity and impacts upon privacy from overlooking
- Increased noise
- Change of use criteria not met
- Loss of boundary wall
- Design (no other detached properties in vicinity)
- Increase in traffic generation at evenings and weekends
- Poor access for refuse and fire appliances

Support – 40 letters were received from local residents supporting the scheme, citing reasons which include:

- Area doesn't require an industrial site
- An industrial area would result in unpleasant fumes, storage of dangerous chemicals, increase in traffic, further congestion and blockages
- Dwellings would enhance the area

7.0 Planning Policy

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) and all made neighbourhood plans. Chichester City Council has indicated that they are not proceeding with a Neighbourhood Plan.

Chichester Local Plan: Key Policies (2014-2029)

7.2 The principal planning policies relevant to the consideration of this application are as follows:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 26: Existing Employment Sites
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 42: Flood Risk and Water Management
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraphs 14 and 17 (Core Planning Principles) and sections 1, 6, 7, 10 and 11 generally.

7.5 The government's New Homes Bonus (NHB), which was set up in response to historically low levels of house-building, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area, local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.6 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

- Maintain low levels of unemployment in the district
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Design and Appearance within the Conservation Area
- iii) Residential Amenity
- iv) Flood Risk and Water Management

- v) Safeguarding Employment
- vi) Highway considerations
- vii) Other matters

Assessment

i) Principle of development and sustainability

8.2 The application site lies within the Settlement Policy Area of Chichester and comprises previously development land, surrounded by existing dwellings. The principle of new residential development within the settlement policy boundary is acceptable and complies with Policy 1 and 2 of the Local Plan, subject to other policies within the Local Plan and detailed criteria. These matters are considered further below.

ii) Design and Appearance within the Conservation Area

8.3 Section 7 of the NPPF requires good design that improves the overall quality of the area, with Paragraph 56 of the NPPF stating that "good design is indivisible from good planning". Policy 33 of the Local Plan requires new development to meet the highest standards of design and to be appropriate in terms of the proportion, form, massing, siting, scale and detailed design to ensure that proposals respect and where possible enhance the character of the surrounding area and the site.

8.4 Furthermore, the application site lies within a Conservation Area where Policy 47 of the Local Plan requires new proposals to 'conserve and enhance the special interest and settings' of Conservation Areas and 'respects distinct local character'. The Chichester Conservation Area Advisory Committee have been consulted on the application and have raised no objection in principle to the proposed development stating it will have little impact on the conservation area due to its concealed location, however, they do regard the proposals as not very innovative and a missed opportunity.

8.5 The visual impact of the proposed development is likely to be limited as only glimpses of the proposed dwellings would be visible through the access. However, this does not negate the need for high quality design as outlined in Policy 33 of the Local Plan. The proposed dwellings area two-storey in height, similar to the surrounding properties and will use a combination of hipped natural slate and tile roofing for variation. The flat roof, single-storey additions to the rear of the properties are modest and considered to be acceptable.

8.6 Plots 2 and 3 are larger in size, initially to accommodate an additional room and dormer within the roof space. In terms of proximity to neighbouring dwellings and the potential for overlooking from the second floor, this element was subsequently removed. A condition could be worded to remove permitted development rights and restrict the use of the roof space as an additional room. In terms of design however, it is considered the difference in size does not appear incongruous within the development.

8.7 The palette of materials proposed for the dwellings would incorporate Sussex brick, traditional construction detailing and the use of dentil eaves and is considered acceptable for the Conservation Area.

iii) Residential Amenity

8.8 The site is very constrained in terms of the location of neighbouring dwellings with residential properties bordering the site on all sides. The proposed development would

replace existing single storey employment use on the site that it is acknowledged has had a low intensity use for the past few years. From this perspective, therefore, any increase in use of the site for either residential or continued commercial use is likely to cause an increase in disturbance to neighbouring dwellings. However, use of the site for residential would be unlikely to lead to a significant impact.

8.9 The replacement of single storey buildings with 2 storey residential properties is not likely to give rise to overlooking to the properties to the east, specifically due to length of the rear gardens of these properties and the distances to the facades of the properties. The front elevations will have a separation distance of 10.1m at Plot 1 and a face to face distance of approximately 30m which is considered acceptable and in line with guidance.

8.10 It is further acknowledged that the side elevations of the end dwellings in plot 1 and plot 4 do not have side windows at first floor level serving habitable rooms. In any event, these windows could be conditioned to be obscured. Given the distances involved and the design of the dwellings, it is considered that the proposed development would not have an overbearing impact.

8.11 The matter of loss of light and outlook was raised at 27 and 28 Caledonian Road. However, some reduction in outlook is balanced against the reduction of the southern boundary wall to 2m which will result in some positive gains. Overall, this aspect is considered acceptable and would not result in significant adverse effects on these properties.

8.12 Concern has been raised from the surrounding neighbours about the lack of parking and turning on site and the potential for this to cause over flow parking on street surrounding the site. However, the highway authority have raised no objection to the proposals on these grounds.

8.13 Concern has also been raised by neighbouring residents regarding the location of the bins at the entrance to the site and the impact of this on visibility and the character of the area. The location of the bins at the entrance to the site has not raised any concerns from the statutory consultees. CDC Waste Services commented that the access and turning on-site for bin lorries is unacceptable and therefore the bin lorries will not be able to enter the site, meaning they must be collected at the site entrance. Amended plans were submitted showing the refuse collection point at the entrance to the development site, thereby satisfying CDC Waste Services. It is considered that locating the bins at the entrance to the drive would not lead to significant harm on the character of the area due to the fact the bins would only be located at the entrance once a week for collection.

8.14 However, it is considered that the distance (over 65m from Plot 1) of the proposed collection point from the dwellings is excessive for future residents to be expected to wheel their refuse.

8.15 In this regard, it is considered the proposed development does not meet the criteria of Policy 33 of the CLP, which requires proposals to meet the highest standards of design.

iv) Flood Risk and Water Management

8.16 The site lies in Flood Zone 2 and 3 as identified by the Environment Agency flood risk maps. Policy 42 seeks to *'avoid inappropriate development in areas at current or future risk, and to direct development away from areas of highest risk'*. It goes on to say that *'Development in areas at risk of flooding as identified by the Environment Agency flood risk maps will be granted where all the following criteria are met:*

- *The proposal meets the sequential and exception test (where required) in relation to the National Planning Policy Framework;*

8.17 The National Planning Policy Framework states that *'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.'*

8.18 Additional information has been provided in order to satisfy the question of Sequential Test requirement. Although not exhaustive, the information provided cites that the Environment Agency raised no objection, that the Planning Authority have interpreted the NPPF incorrectly, that the Planning Authority have not given a balanced approach to the development's location with regards to sustainability, that Planning Committee have previously gone against officer recommendations for refusal on the basis of Sequential Tests and that officers have unreasonably disregarded the site as Chichester has a 5 year housing supply.

8.19 However, National Planning Policy and Guidance is clear on the requirement for a Sequential Test in this case, even if there may be ways of reducing the risk of flooding of those site within Flood Zones 2 & 3, the NPPF and NPPG are clear that these sites should only be developed where it has been demonstrated that the need cannot be met elsewhere. This requirement is unequivocal and has been clearly demonstrated through appeal decisions to be necessary in order for development to be considered acceptable and in accordance with the NPPF. In relation to this application, a sequential test has not been carried out to demonstrate that there are no more suitable sites for residential development within the district outside Flood Zone.

8.20 Furthermore, the current position is that the Council has a 5.7 year supply (including a 20% buffer), which is equivalent to a surplus of 421 dwellings. This is outlined in the document entitled 'Council's Assessment of Five Year Housing Land Supply - Updated Position at 1 September 2015'. Consequently, in accordance with paragraphs 14 and 47 of the NPPF, as the Council can demonstrate a five year housing land supply, there is no overriding need to deliver housing that would outweigh the significant policy concerns.

8.21 In conclusion, the development is contrary to Policy 42 of the Local Plan and the National Planning Policy Framework and would place future residents at unnecessary risk of flooding.

v) Safeguarding Employment

8.22 The application site is currently a Builder's Yard which has recently seen activities at the site include metal work forging and joinery manufacturing. The existing site plan also shows buildings labelled as 'workshop', 'offices', 'garaging' and 'vehicle workshop/stores', all of which can be classed as 'B' uses. Policy 26 seeks to retain and safeguard existing employment sites. Should a different use for the land be sought, the policy states that *'planning permission will be granted for alternative uses on land or floorspace currently or previously in employment generating uses where the following criterion is met:*

- *It has been demonstrated (in terms of the evidence requirements accompanying this policy) that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses.'*

8.23 Therefore, to accord with the policy, Appendix E of the Chichester Local Plan requires the site to be appropriately marketed and gives very clear details of what is required and what should be done.

8.24 Additional information was provided by the applicant in order to attempt to satisfy the need for marketing the development site. The information highlighted a recent permission (in May) and compared their circumstances with that of Providence Works with relation to marketing requirements. However, all planning applications must be determined on their own merits and in relation to this application, no marketing details of the site has been supplied.

8.25 In conclusion, the development is contrary to Policy 26 of the Local Plan and would result in the loss of a number of small workshops important to the economic prosperity of the District. The applicant has failed to demonstrate, through the submission of evidence of marketing, that the site would not be suitable for similar employment uses.

vi) Highway Considerations

8.26 In highways terms, the extant use of the site, B2 – General Industrial, attracts a busier vehicular usage than if the site was to be used for residential use for 4 dwellings. WSCC Highways officers consider that the proposed development would lead to a less intensively used site and would therefore not lead to a severe impact on the highway network.

8.27 In their submitted information, the applicant suggests that the site is not suitable for the industrial use. They comment that the access is too narrow, obliging larger vehicles to unload in Lyndhurst Road causing blockages and traffic congestion. However, the site has been used for B2 employment purposes for over 40 years using the existing access and in light of this fact; the access is considered adequate for such uses.

8.28 Therefore, from a highways and safety perspective, the proposal would meet the requirements of Policy 39 of the CLP to ensure that new development benefits from safe and adequate access and would not have an adverse impact upon the highway network.

vi) Other matters

8.29 Consultation with CDC Environment Department in January and July highlighted the requirement for a mitigation strategy for bats due to the presence of bats roosting within the building due to be demolished. No mitigation strategy has been supplied to detail how the bats will be protected and the roosting retained post construction works. Therefore, the proposed development does not accord with Policy 49 of the CLP which seeks to safeguard the biodiversity value of the site.

8.30 The application results in the creation of 4 no. new dwellings within the Chichester and Langstone Harbours Special Protection Area (SPA) buffer where increases in net residential development are likely to have a significant effect on the SPA. Due to the concerns with the proposal set out above, the Local Planning Authority has not sought such contributions in line with Policy 50 of the CLP. In the absence of the identified contributions the proposal would have harmful impact on the Chichester Harbour SPA.

Conclusion

8.31 Based on the above, it is considered the proposal is not in accordance with Chichester Local Plan Policies 1, 26, 33, 42, 49 and 50 and National Planning Policy Framework

paragraphs 14, 17, 100 – 104, 109, 118, 158. Therefore, the application is recommended for approval.

Human Rights

8.32 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION TO REFUSE

1. Lack of sequential test
2. Insufficient Marketing
3. Design standards – collection location
4. Insufficient bat mitigation strategy
5. Mitigation measures for Chichester harbour SPA

INFORMATIVES

1. U05983 – Plans
2. W46F App Ref Following Discussion

For further information on this application please contact Chris Bartlett.